



January 31, 2002

HOUSE BILL No. 1122

DIGEST OF HB 1122 (Updated January 30, 2002 9:30 AM - DI 94)

Citations Affected: IC 36-7; noncode.

Synopsis: Housing authority membership. Allows a housing authority to have either five or seven members. Provides that one member of the housing authority must be a person directly assisted by the housing authority instead of a resident of the housing authority. Provides that in a city, town, or county, the commissioners of certain housing authorities do not have to include a person directly assisted by the housing authority.

Effective: July 1, 2002.

Stilwell, Yount

January 8, 2002, read first time and referred to Committee on Local Government.
January 30, 2002, amended, reported — Do Pass.

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January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1122

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-18-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A unit may
3 establish a housing authority if the fiscal body of the unit, by
4 resolution, declares that there is a need for an authority in the unit.
5 (b) The determination as to whether or not there is a need for an
6 authority may be made by the fiscal body:
7 (1) on its own motion;
8 (2) on the filing of a petition signed by twenty-five (25) residents
9 of the unit and stating that there is a need for an authority in the
10 unit; or
11 (3) on receipt of an order from the division of family and children.
12 (c) A resolution may be passed under this section only after a public
13 hearing. Notice of the time, place, and purpose of the hearing must be
14 given by the fiscal body by publication in accordance with IC 5-3-1.
15 (d) The fiscal body of a unit may adopt a resolution declaring that
16 there is need for a housing authority in the unit if it finds that:
17 (1) unsanitary or unsafe dwelling accommodations are inhabited

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in the unit; or

(2) there is a shortage of safe or sanitary dwelling accommodations available in the unit for persons of low income at rentals they can afford.

In determining whether dwelling accommodations are unsafe or unsanitary, the fiscal body may consider the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions in the buildings endanger life or property by fire or other causes.

(e) In any proceeding involving any contract of a housing authority, the authority shall be conclusively presumed to have become established and authorized to transact business and exercise its powers under this chapter on proof of the adoption of a resolution by the fiscal body declaring the need for the authority. The resolution is sufficient if it declares that there is a need for an authority and finds that either or both of the conditions listed in subsection (d) exist in the unit. A copy of the resolution certified by the clerk of the fiscal body is admissible in evidence in any proceeding.

(f) A fiscal body that adopts a resolution under this section shall specify in the resolution whether the housing authority of the unit shall have five (5) commissioners or seven (7) commissioners.

SECTION 2. IC 36-7-18-5, AS AMENDED BY P.L.229-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) After the fiscal body of a unit adopts a resolution under section 4 of this chapter, persons shall be appointed as commissioners of the housing authority in the following manner:

(1) In a city, the fiscal body shall promptly notify the city executive of the adoption of the resolution. The executive shall then appoint **either:**

(A) five (5) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) not more than three (3) of whom may be of the same political party;

as commissioners of the housing authority; or

(B) seven (7) persons:

(i) one (1) of whom must be a resident of a housing project under the jurisdiction of person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

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(ii) no more than four (4) of whom may be of the same political party;
as commissioners of the housing authority;
as specified under subsection (f) in the resolution adopted by the fiscal body of the city.

(2) In a town or county, the fiscal body shall appoint **either:**

(A) five (5) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, **unless the housing authority is described in subsection (d); and**

(ii) not more than three (3) of whom may be of the same political party;

as commissioners of the housing authority; or

(B) seven (7) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, **unless the housing authority is described in subsection (d); and**

(ii) no more than four (4) of whom may be of the same political party;

as commissioners of the housing authority;

as specified under subsection (f) in the resolution adopted by the fiscal body of the town or county.

(b) Subsequent appointments to the authority shall be made in the same manner.

(c) A commissioner of a housing authority must be a resident of the area in which the housing authority has jurisdiction as provided in section 41 of this chapter.

(d) The provisions of subsections (a)(1) and (a)(2) requiring that one (1) commissioner of a housing authority be a person directly assisted by the housing authority do not apply to:

(1) a housing authority that:

(A) has less than seventy-five (75) units;

(B) provides at least thirty (30) days notice to the residents under the jurisdiction of the housing authority of the opportunity to serve as a housing authority commissioner by:

(i) posting a notice in public areas under the jurisdiction of the housing authority; and

(ii) sending a notice by first class mail to each resident under the jurisdiction of the housing authority;

(C) has not been notified by a resident of the resident's interest in being appointed a housing authority



commissioner; and

(D) repeats the notification of the opportunity to serve as a housing authority commissioner as described in clause (B) to the residents under the jurisdiction of the housing authority:

(i) upon the occurrence of each opening on the housing authority commission for a resident commission member; and

(ii) at least once each year; or

(2) a housing authority that administers only federal Section 8 housing assistance.

SECTION 3. P.L.229-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: SECTION 5. (a) **Except as provided in subsections (b) and (c), and notwithstanding IC 36-7-18-5, and IC 36-7-18-7, both as amended by this act, if required by IC 36-7-18-5, as amended by this act, the appointing authority of a unit that created a housing authority with five (5) commissioners on July 1, 2001, and elects to have seven (7) commissioners before July 1, 2001, shall appoint the following not later than August 1, 2001: 2002:**

(1) One (1) commissioner, who is a resident of a housing project under the jurisdiction of must be a person directly assisted by the housing authority, who unless:

(A) the housing authority is not required to have a resident member under IC 36-7-18-5(d); or

(B) the housing authority already has a person directly assisted by the housing authority serving as a member of the authority.

The commissioner appointed under this subdivision who serves an initial term of one (1) year, and who may be reappointed.

(2) One (1) commissioner who serves an initial term of two (2) years, and may be reappointed.

(b) A member appointed to a housing authority under P.L.229-2001, SECTION 5(a) may continue to serve the remainder of the person's term at the discretion of the appointing authority.

(c) This SECTION expires July 1, 2005.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-7-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A unit may establish a housing authority if the fiscal body of the unit, by resolution, declares that there is a need for an authority in the unit.

(b) The determination as to whether or not there is a need for an authority may be made by the fiscal body:

- (1) on its own motion;
- (2) on the filing of a petition signed by twenty-five (25) residents of the unit and stating that there is a need for an authority in the unit; or
- (3) on receipt of an order from the division of family and children.

(c) A resolution may be passed under this section only after a public hearing. Notice of the time, place, and purpose of the hearing must be given by the fiscal body by publication in accordance with IC 5-3-1.

(d) The fiscal body of a unit may adopt a resolution declaring that there is need for a housing authority in the unit if it finds that:

- (1) unsanitary or unsafe dwelling accommodations are inhabited in the unit; or
- (2) there is a shortage of safe or sanitary dwelling accommodations available in the unit for persons of low income at rentals they can afford.

In determining whether dwelling accommodations are unsafe or unsanitary, the fiscal body may consider the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions in the buildings endanger life or property by fire or other causes.

(e) In any proceeding involving any contract of a housing authority, the authority shall be conclusively presumed to have become established and authorized to transact business and exercise its powers under this chapter on proof of the adoption of a resolution by the fiscal body declaring the need for the authority. The resolution is sufficient if it declares that there is a need for an authority and finds that either or both of the conditions listed in subsection (d) exist in the unit. A copy of the resolution certified by the clerk of the fiscal body is admissible

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in evidence in any proceeding.

(f) A fiscal body that adopts a resolution under this section shall specify in the resolution whether the housing authority of the unit shall have five (5) commissioners or seven (7) commissioners."

Page 1, delete lines 6 through 17, begin a new line block indented and insert:

"(1) In a city, the fiscal body shall promptly notify the city executive of the adoption of the resolution. The executive shall then appoint **either:**

(A) five (5) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) not more than three (3) of whom may be of the same political party;

as commissioners of the housing authority; or

(B) seven (7) persons:

(i) one (1) of whom must be a resident of a housing project under the jurisdiction of person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) no more than four (4) of whom may be of the same political party;

as commissioners of the housing authority;

as specified under subsection (f) in the resolution adopted by the fiscal body of the city.

(2) In a town or county, the fiscal body shall appoint **either:**

(A) five (5) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) not more than three (3) of whom may be of the same political party;

as commissioners of the housing authority; or

(B) seven (7) persons:

(i) one (1) of whom must be a person directly assisted by the housing authority, unless the housing authority is described in subsection (d); and

(ii) no more than four (4) of whom may be of the same political party;

as commissioners of the housing authority;

as specified under subsection (f) in the resolution adopted by

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the fiscal body of the town or county."

Page 2, delete line 1.

Page 2, delete lines 7 through 19, begin a new paragraph and insert:

"(d) The provisions of subsections (a)(1) and (a)(2) requiring that one (1) commissioner of a housing authority be a person directly assisted by the housing authority do not apply to:

(1) a housing authority that:

(A) has less than seventy-five (75) units;

(B) provides at least thirty (30) days notice to the residents under the jurisdiction of the housing authority of the opportunity to serve as a housing authority commissioner by:

(i) posting a notice in public areas under the jurisdiction of the housing authority; and

(ii) sending a notice by first class mail to each resident under the jurisdiction of the housing authority;

(C) has not been notified by a resident of the resident's interest in being appointed a housing authority commissioner; and

(D) repeats the notification of the opportunity to serve as a housing authority commissioner as described in clause (B) to the residents under the jurisdiction of the housing authority:

(i) upon the occurrence of each opening on the housing authority commission for a resident commission member; and

(ii) at least once each year; or".

Page 2, delete lines 22 through 25.

Page 2, line 28, delete "subsection" and insert "subsections".

Page 2, line 28, after "(b)" insert "and (c)".

Page 2, line 31, after "(5)" insert "**commissioners on July 1, 2001, and elects to have seven (7)**".

Page 2, line 31, strike "before".

Page 2, line 32, strike "July 1, 2001,".

Page 2, delete lines 36 through 40, begin a new line block indented and insert:

"the housing authority, ~~who~~ unless:

(A) the housing authority is not required to have a resident member under IC 36-7-18-5(d); or

(B) the housing authority already has a person directly assisted by the housing authority serving as a member of the authority.

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The commissioner appointed under this subdivision who
serves an initial term of one (1) year, and ~~who~~ may be
reappointed."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1122 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 14, nays 0.

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